

1 D. GILL SPERLEIN (172887)
2 THE LAW OFFICE OF D. GILL SPERLEIN
3 584 Castro Street, Suite 879
4 San Francisco, California 94114
5 Telephone: (415) 404-6615
6 Facsimile: (415) 404-6616
7 gill@sperleinlaw.com

8 MARC JOHN RANDAZZA (269535)
9 Liberty Media Holdings, LLC, General Counsel
10 10620 Southern Highlands Pkwy. #110-454
11 Las Vegas, Nevada 89141
12 Telephone: (888) 667-1113
13 Facsimile: (305) 437.7662
14 marc@corbinfisher.com

15 Attorneys for Plaintiffs

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 IO GROUP, INC., a California
20 corporation, CHANNEL ONE
21 RELEASING, Inc., a California
22 corporation and LIBERTY MEDIA
23 HOLDINGS, LLC., a California
24 corporation,

25 Plaintiffs,
26 vs.

27 GLBT, Ltd., a British limited company,
28 MASH and NEW, Ltd., a British
limited company, PORT 80, Ltd., a
company of unknown origin or
structure, STEVEN JOHN COMPTON,
an individual living in the United
Kingdom, and DAVID GRAHAM
COMPTON, an individual living in the
United Kingdom.

Defendants.

)
) **CASE NO.: C-10-1282 (MMC)(DMR)**
)
)
) **DECLARATION OF MARC RANDAZZA**
) **IN SUPPORT OF PLAINTIFFS'**
) **MOTION FOR SANCTIONS AGAINST**
) **DEFENDANTS' COUNSEL JONATHAN**
) **CAPP**

)
)
) **Date: December 9, 2011**
) **Time: 9:00 a.m.**
) **Location: Ct Rm 7, 19th Floor**

1 I, Marc Randazza, declare:

2 1. I am a member of the State Bars of California, Massachusetts, Florida,
3 Arizona and the bar of this Court. I am the attorney of record in this matter. I have
4 personal knowledge of the facts herein, and if called as a witness, could testify
5 competently thereto.
6

7 2. On Friday October 21, 2011, my co counsel Gill Sperlein on the line, I
8 telephoned Jonathan Capp and left a voice message explaining that we wished to discuss
9 the implications of the letter filed by his client the previous day. We requested that Mr.
10 Capp return our call immediately. He did not respond until October 27, 2011. Even then,
11 he merely said he was going to move to withdraw and was discussing how best to do that
12 with his clients. As of the filing of this motion, Mr. Capp has yet to file a motion to
13 withdraw.
14

15 3. At numerous times as the case proceeded, whenever counsel engaged in
16 discussions relating to the merits, Mr. Capp inevitably returned to an argument that his
17 clients could simply default because even if plaintiffs get a judgment they would not be
18 able to collect any judgment against his clients as they live in Great Britain and Malta. On
19 multiple occasions, Mr. Capp indicated that because (in his opinion) Plaintiffs would not
20 be able to collect on a judgment, his clients might "just default."
21

22 4. On one occasion, he put part of that sentiment in an e-mail, writing that
23 European courts would not enforce what he called "US style punitive damages."
24

25 5. On several occasions since Mr. Capp filed the "Notice of non-participation,"
26 either Mr. Sperlein or I have sought further clarification. Each time, Mr. Capp has simply
27
28

1 repeated the statement that his clients have told him not to participate anymore and that he
2 cannot say anything else.

3
4 Pursuant to the laws of the United States, I declare under penalty of perjury the
5 foregoing is true and correct.

6
7 Dated: October 31, 2011

Respectfully submitted,

8 */s/ Marc J. Randazza*

9
10 _____
Marc J. Randazza

11 Attorney for Plaintiff Liberty Media Holdings, LLC
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28